THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8183 OF 2006

DATED 26th APRIL, 2006

BETWEEN

Ataur Rahman and others

… Petitioners

and

The Mandal Revenue Officer, Serilingampally Mandal,
Serilingampally, Ranga Reddy District and others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.8183 OF 2006

ORDER:

The five petitioners purchased house sites in various sub-divisions in survey No.124 situated at Gopinagar, Gopanapally village of Serilingampally Mandal in Ranga Reddy District under registered sale deeds executed in 1993 in their favour by the General Power of Attorney holder, one Syed Rafath and others. They also allege that before purchasing the property, they made necessary enquiries, obtained encumbrance certificate and examined the marketability of title of the vendor. When they commenced work for construction of compound walls in the third week of March, 2006, the Mandal Revenue Officer came to the sites on 13.04.2006 and demolished the compound walls. This is the allegation made by the petitioners. They contend that the action of the Mandal Revenue Officer is in gross violation of rule of law and natural justice. They also contend that if appropriate orders are passed showing objections for construction of compound walls/houses, the petitioners would be in a position to take necessary legal action.

At the stage of admission itself, the learned Assistant Government Pleader for Revenue (General) obtained instructions. He submits that the land in survey No.124 of Gopanapally village is a Government land and therefore, the Mandal Revenue Officer prevented the petitioners from raising any constructions. He denies the allegation that the Mandal Revenue Officer demolished the compound walls.

The petitioners have placed before this Court the copies of the sale deeds as well as encumbrance certificates, presumably to show their *prima facie* right and interest in the land, which is allegedly in their possession. Even if it is a Government land, the Mandal Revenue Officer cannot resort to coercive steps unless action is initiated in accordance with law either under A.P.Land Encroachment Act, 1905 or A.P.Land Grabbing (Prohibition) Act, 1982 or under common law. Therefore, this writ petition is disposed of with this observation and further giving liberty to the petitioners to approach the Mandal Revenue Officer in this regard. Needless to point that if the petitioners are in possession of the land, the same shall not be disturbed, without following due process of law.

The writ petition, with the above observation, is disposed of. No costs.

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(V.V.S.RAO,J)

26.04.2006
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